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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,426	05/10/2001	Takeshi Kobayashi	P/1139-101	6776

7590 03/24/2005

STEVEN I. WEISBURD  
DICKSTEIN, SHAPIRO, MORIN & OSHINSKY LLP  
1177 AVENUE OF THE AMERICAS  
41ST FLOOR  
NEW YORK, NY 10036-2714

EXAMINER

TRAN, TUAN A

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/853,426	<b>Applicant(s)</b> KOBAYASHI, TAKESHI	
	<b>Examiner</b> Tuan A Tran	<b>Art Unit</b> 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 2-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Nieminen (6,526,296).

Regarding claim 2, Nieminen discloses a folding portable communication unit 1 which is composed of first and second cabinets 2, 3 and a hinge 4 for so supporting the first and second cabinets 2, 3 that they are rotational around the hinge 4 (See figs. 1-2) comprising: first display/data-input means 5a, 5b which displays a first information related to mobile telephone communication, inputs a first data related to the

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communication, and is situated on an obverse surface of the first and second cabinets 2, 3; second display/data-input means 6a, 6b which displays a second information related to mobile telephone communication, inputs a second data related to the communication, and is situated on a rear cover of the first and second cabinets 2, 3, wherein the second information can be watched and the second data can be inputted by a user in case that the first and second cabinets 2, 3 are folded (See figs. 1-2 and col. 2 lines 38-53, col. 4 lines 4-25, col. 8 line 63 to col. 9 line 27).

Regarding claims 3-5, Nieminen discloses as cited in claim 2. Nieminen further discloses the first and second cabinets 2, 3 include controlling functions, and are provided with control means which decides whether input information is to be displayed on the first display/data-input means 5a, 5b or the second display/data-input means 6a, 6b depending on a kind of the input information (See figs. 1-3 and col. 5 line 38 to col. 6 line 67), wherein the control means is further provided with means for detecting whether the first and second cabinets 2, 3 are folded or not and decides whether the input information is to be displayed on the first display/data-input means 5a, 5b or the second display/data-input means 6a, 6b depending on a result of detection performed by the detecting means (See figs. 2-3 and col. 7 line 1 to col. 8 line 15, col. 8 line 16 to col. 9 line 27).

Regarding claim 6, Nieminen discloses as cited in claim 3. Nieminen further discloses the input information is displayed on the first display/data-input means in case that the input information is pictorial information (See figs. 1-2 and col. 8 lines 45-62).

Regarding claim 7, Nieminen discloses as cited in claim 3. Nieminen further discloses the control means further comprises means for displaying the input information on the second display/data-input means in accordance with instruction of the user (See figs. 1-2 and col. 8 line 63 to col. 9 line 27).

Regarding claim 8, Nieminen discloses as cited in claim 2. Nieminen further discloses a common display driver 13 that drives both of the first and second displays (See fig. 3 and col. 6 lines 53-59).

Regarding claim 9, Nieminen discloses as cited in claim 2. Nieminen further discloses the folding portable communication unit functions as a telephone when the portable communication unit is not folded, and is operable to perform a display for message function when the portable communication unit is folded (See figs. 1-3 and col. 5 lines 16-37, col. 7 lines 39-48, col. 2 lines 38-48):

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Soini et al. (6,445,932) discloses multiservice mobile station.
- Claxton et al. (6,434,404) discloses detection of flip closure state of a flip phone.
- Tyneski et al. (5,584,054) discloses communication device having a movable front cover for exposing a touch sensitive display.

### ***Response to Arguments***

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Applicant's arguments filed 02/24/2005 have been fully considered but they are not persuasive.

a. The Applicant argued that the Nieminen patent never describes any embodiment or device that has all the features of claim 2, particularly the PDA display of the Nieminen's embodiment does not relate in any way to mobile communication (See Remark, page 4). The Examiner respectfully disagrees with the Applicant's arguments because the Nieminen's wireless communication device has all features of claim 2 (See above rejections for details), especially the PDA user interface of the Nieminen's wireless communication device is the same PDA user interface of the communicator mentioned in the prior art and relates to mobile communication (See figs. 1-2 and col. 9 lines 2-27, col. 7 lines 39-49, col. 2 lines 38-50). For that reasons, the Examiner remains rejections for all pending claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan Tran** whose telephone number is **(703) 605-4255**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached at **(703) 308-6739**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

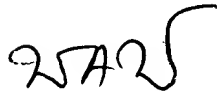
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**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Tuan Tran

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LEE NGUYEN  
PRIMARY EXAMINER